

REMARKS

By this Amendment, Applicants amend claims 1, 11, 12, and 66, cancel claims 26-65, and add new claims 68-73. The originally-filed specification, drawings, and claims fully support the subject matter of the amended claims and new claims. No new matter has been introduced. Accordingly claims 1-5, 7-16, 18-25, and 66-73 remain pending in this application, with claims 7-11 and 18-22 having been withdrawn from consideration. Claims 1 and 12 are the sole independent claims.

As an initial matter, Applicants would like to thank the Examiner for allowing and conducting the telephone interview of November 20, 2007. The substantive matters discussed in the interview are incorporated in the remarks set forth below.

In the Amendment filed on July 3, 2007, Applicants added new claims 66 and 67, depending from one of independent claims 1 and 12. Each of the dependent claims 66 and 67 recited unique combinations that are neither taught nor suggested by the cited reference. Support for the claims may be found in the specification, for example on page 10, lines 15-23 (stating that “end 25b of the axle is then flared out”; emphasis added). As noted by the Applicants’ representative during the telephone interview, the Examiner did not consider claims 66 or 67 in the final Office Action. According to MPEP § 706.07, Applicants are entitled to a full and fair hearing of all claims. Accordingly, Applicants request the Examiner to determine the patentability of claims 66 and 67 in addition to considering the amendments included herein.

On page 2 of the final Office Action, claims 1-5, 12-16, and 23-25 were rejected under U.S.C. 102(b) as being anticipated by U.S. Patent Application No. 5,482,054 to Slater et al. (“Slater”). In regards to claims 1 and 12, the Examiner asserts, on page 3

of the final Office Action, “a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.” Accordingly, Applicants have amended claims 1 and 12 to include a recitation of the structural difference between the claimed invention and that disclosed in Slater.

Amended claim 1 recites a clevis assembly for a medical instrument including, *inter alia*, “wherein the deformed portion [of the axle] lies on an outer surface of another of the plurality of arms, and wherein the outer surface is not a surface facing a hole or a U-shaped groove to receive the axle, the hole or U-shaped groove being defined by the another of the plurality of arms.” Independent claim 12 recites a medical instrument including the same aspect. Slater does not disclose this structure either alone or in combination with other aspects of the claimed invention.

As asserted by the Examiner on page 2 of the final Office Action, Slater discloses “wherein an end of the axle (28) includes a flared portion to engage an outer surface of one of the arms (34a, 34b) and a deformed portion at an end of the axle (28) opposite the flared portion (as shown in fig. 3b) configured to engage an outer surface of the other arms (34b).” Applicants respectfully disagree. The alleged deformed portion at the end of clevis pin 28, as disclosed in Slater, may at most engage the surface of hole 32. If the top portion of clevis pin 28 resides within hole 32 of clevis arm 34a, the bottom portion of clevis pin 28, which allegedly includes the claimed deformed portion, resides within hole 32 of clevis arm 34b, as outlined in Figure 3a. No portion of the alleged “deformed portion” lies on an outer surface, “wherein the outer surface is not a

surface facing a hole or a U-shaped groove to receive the axle” as recited in claims 1 and 12.

Accordingly for at least this reason, Applicants respectfully request the withdrawal of the Section 102(b) rejection based on Slater. Applicants further submit that claims 2-5, 7-11, 13-16, 18-25, and 66-73 depend either directly or indirectly from one of independent claims 1 and 12, and are therefore allowable. In addition, each of the dependent claims recites unique combinations that are neither taught nor suggested by the cited references and therefore are each separately patentable.

For example, features of the claimed outer surface are further defined in new claims 68-73. New claims 68-73 recite one or more of: “wherein the outer surface is directing away from the one of the plurality of arms;” “wherein the outer surface is substantially flat;” and “wherein the outer surface is orthogonal to an axis of the axle.” Slater does not disclose an axle engaging an outer surface as recited in claims 68-73.

The outstanding Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization of the Office Action.

In discussing the specification and claims in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to an exemplary embodiment described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

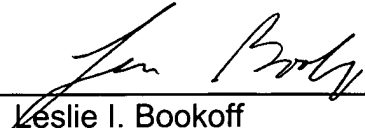
Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

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By: _____


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